IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2220 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/08/2004 in WP No.2205 of 1997 on the file of the High Court.)

Between:

Md.Liyakath Ali, S/o.Md.Osman Ali,

Aged 49 years, Occ: Conductor, E-100991,

Present working at Narayankhed Depot, Medak district.

..... APPELLANT

AND

1. The Depot Manager,

APSRTC, Zaheerabad Depot,

Medak District

2. The Labour Court-II,

Rep. by its Presiding Officer,

Hyderabad.

3. The Depot Manager,APSRTC,

Narayankhed Depot, Medak District.

4. The Regional Manaqer,

APSRTC, Medak Region at Sangareddy, Medak District.

.....RESPONDENTS

Counsel for the Appellant: MR.Sadu Rajeshwar Reddy

Counsel for the Respondent Nos.1, 3 & 4: MR.V.T.M.Prasad, S.C. for A.P.S.R.T.C.

Counsel for the Respondent No.2: Government Pleader for Labour.

The Court at the admission stage made the following :

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JUDGMENT: (Per the Hon'ble Sri Justice B.Sudershan Reddy)

The learned single Judge after an elaborate consideration of the matter and upon appreciation of the entire material available on record, came to the right conclusion that interest of justice would be met by denying the full backwages in full, and accordingly held that the Labour Court did not commit any error in coming to the conclusion that the punishment of removal imposed by the respondent-Corporation is disproportionate to the proved charges. The learned single Judge held that the Labour Court rightly interfered with the order of the disciplinary authority in setting aside the order of removal. Since the appellant-workman did not render any service from the date of removal till his reinstatement, the learned single Judge held that he is not entitled for backwages. The order under appeal does not suffer from any factual error or legal infirmities. In our considered opinion, the Labour Court as well as the learned single Judge took a lenient view in directing the reinstatement of the petitioner into service by setting aside the order of removal. The order does not call for our interference.

The appeal fails and shall accordingly stand dismissed. No costs.

(B.SUDERSHAN REDDY. J)

(M.NARAYANA REDDY, J)

22ND December, 2004

LUR/GRR

Copy to:

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